

Senate Bill No. 814

Passed the Senate August 30, 2006

Secretary of the Senate

Passed the Assembly August 23, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 5072 to the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

SB 814, Romero. Prisons: segregation.

Existing law vests the supervision, management, and control of the state prisons in the Secretary of the Department of Corrections and Rehabilitation and he or she is responsible for prescribing the rules and regulations in the administration of the state prisons.

This bill would require the Department of Corrections and Rehabilitation to eliminate segregation for male and female inmates based solely on race while ensuring the security of the inmates, the correctional facilities, and the public. The bill would require the department to educate staff regarding housing procedures, to develop a violence tracking system for reception centers and the general inmate population designed to record, track, and analyze violent incidents, and to develop a draft organizational plan addressing staff responsibilities and timeframes for goals and implementation of the elements described above, as specified.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The United States Supreme Court struck down racial segregation in *Brown v. Board of Education* in 1954, finding that separate but equal was inherently unequal and had no place in the fabric of American society.

(b) Fifty years later, Garrison Johnson, an inmate of the California Department of Corrections, filed suit against the State of California for its practice of racially segregating inmates in California prisons for 60 days upon arrival at the reception center, and for 15 days upon transfer to another facility.

(c) The United States Supreme Court, on February 23, 2005, declared that prisons may not temporarily segregate inmates by skin color except under the most extraordinary circumstances.

(d) Because receiving and housing inmates is not an extraordinary circumstance, but a daily aspect of prison life, racial classifications should not be used on inmates. This bill demonstrates the continued desire of the State of California to move to an integrated society in which a person, whether or not he or she is an inmate, is judged on his or her record and not the color of his or her skin.

SEC. 2. Section 5072 is added to the Penal Code, to read:

5072. The Secretary of the Department of Corrections and Rehabilitation shall do the following to accomplish the goal of ensuring that all male and female inmate assignments are not made solely on the basis of race, while ensuring the security of the correctional facilities and the effectiveness of inmate treatment programs within the framework of security and safety:

(a) (1) (A) Integrate the department reception centers by creating a housing protocol that assigns inmates to reception center cells using several criteria, in no case using race as the sole determinative factor, and that minimizes any potential impact upon inmates' safety and that of the institutions and personnel of the department and the public.

(B) Subject to modifications required to minimize any such impact upon inmates' safety and that of the institutions and personnel of the department and the public, under the reception housing protocol the department staff shall utilize all available information in assigning incoming inmates to cells in reception centers to ensure that each inmate is appropriately housed in the reception center, including information contained in documents accompanying an inmate, including, but not limited to, abstract of judgment, probation report, and presentencing report, inmates' central files, and existing electronic databases, including, but not limited to, the Offender Based Information System. The department shall use all available and cost-effective information technology to assist staff in accessing the information and making reception center housing decisions.

(2) The department shall integrate the general inmate population by creating a general population housing protocol that assigns inmates to cells using several criteria, in no case using

race as the sole determinative factor, and that minimizes any potential impact upon inmates' safety and that of the institutions, department personnel, and the public. The department may incorporate relevant policies and procedures developed by the department during the implementation of the reception center housing protocol described in paragraph (1).

(b) Educate staff regarding housing procedures, including, but not limited to, how to access and use the information developed under subparagraph (B) of paragraph (1) of subdivision (a).

(c) (1) Develop a violence tracking system within reception centers and the general inmate population designed to record, track, and analyze violent incidents.

(2) The department shall use all available and cost-effective information technology as part of this violence tracking system.

(3) A component of the violence tracking system shall be to determine whether violent incidents in reception centers are racially motivated.

(d) The department shall develop a confidential draft organizational plan addressing staff responsibilities and timeframes for goals and implementation of the elements described in subdivisions (a) and (b).

Approved _____, 2006

Governor